

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JANUARY 14, 2016

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of January, 2016. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chair Sandy Bahan called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Andy Sherrer
Roberta Pailles
Tom Knotts
Sandy Bahan
Dawn Jourdan
Dave Boeck
Chris Lewis

MEMBERS ABSENT

Erin Williford

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Wayne Stenis, Planner II
Roné Tromble, Recording Secretary
Larry Knapp, GIS Analyst II
Leah Messner, Asst. City Attorney
Ken Danner, Subdivision Development
Manager
David Riesland, Traffic Engineer
Terry Floyd, Development Coordinator

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Item No. 2, being:

ELECTION OF OFFICERS FOR 2016

Chair Bahan asked for nominations for the position of Chair for 2016.

Chris Lewis nominated Andy Sherrer as Chair for 2016. Dave Boeck seconded the nomination.

Chair Bahan asked if there were any other nominations. There being no additional nominations and no further discussion, a vote was taken with the following result:

YEAS	Roberta Pailles, Tom Knotts, Sandy Bahan, Dawn Jourdan, Dave Boeck, Chris Lewis
NAYES	None
ABSTAIN	Andy Sherrer
MEMBERS ABSENT	Erin Williford

Commissioner Sherrer was elected Chair for 2016 by a vote of 6-0-1.

Chair Bahan asked for nominations for the position of Vice-Chair for 2016.

Tom Knotts nominated Chris Lewis as Vice-Chair for 2016, and Andy Sherrer seconded the nomination.

Chair Bahan asked if there were any other nominations. There being no additional nominations and no further discussion, a vote was taken with the following result:

YEAS	Andy Sherrer, Roberta Pailles, Tom Knotts, Sandy Bahan, Dawn Jourdan, Dave Boeck, Chris Lewis
NAYES	None
MEMBERS ABSENT	Erin Williford

Commissioner Lewis was elected Vice-Chair for 2016 by a vote of 7-0.

Chair Bahan asked for nominations for the position of Secretary for 2016.

Tom Knotts nominated Dave Boeck as Secretary for 2016, and Andy Sherrer seconded the nomination.

Dave Boeck nominated Tom Knotts as Secretary for 2016, and Roberta Pailles seconded the nomination.

Chair Bahan asked if there were any other nominations. There being no further nominations and no discussion, a vote was taken with the following result:

TOM KNOTTS	Roberta Pailles, Sandy Bahan, Dawn Jourdan, Dave Boeck, Chris Lewis
DAVE BOECK	Andy Sherrer, Tom Knotts
MEMBERS ABSENT	Erin Williford

Commissioner Knotts was elected Secretary for 2016 by a vote of 5-2.

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The meeting recessed briefly to allow the newly elected officers to take their seats.

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Non-Consent Docket

Item No. 3, being:

APPROVAL OF THE DECEMBER 10, 2015 REGULAR SESSION MINUTES

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to approve the Minutes of the December 10, 2015 Regular Session as presented. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer, Roberta Pailles, Tom Knotts, Sandy Bahan, Dawn Jourdan, Dave Boeck, Chris Lewis
NAYES	None
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to approve the December 10, 2015 Minutes as presented, passed by a vote of 7-0.

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Item No. 4a, being:

R-1415-84 – SHAZ INVESTMENT GROUP, L.L.C. AND RIEGER, L.L.C. REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM VERY LOW DENSITY RESIDENTIAL DESIGNATION TO MIXED USE DESIGNATION FOR APPROXIMATELY 760 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POST OAK ROAD ON BOTH THE EAST AND WEST SIDES OF 36TH AVENUE S.E. (SE $\frac{1}{4}$ OF SECTION 10, TOWNSHIP 8 NORTH, RANGE 2 WEST; E $\frac{1}{2}$ OF SECTION 15; AND W $\frac{3}{4}$ OF THE S $\frac{1}{2}$ OF SECTION 14).

and

Item No. 4b, being:

O-1415-33 – SHAZ INVESTMENT GROUP, L.L.C. AND RIEGER, L.L.C. REQUEST REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 760 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POST OAK ROAD ON BOTH THE EAST AND WEST SIDES OF 36TH AVENUE S.E. (SE $\frac{1}{4}$ OF SECTION 10, TOWNSHIP 8 NORTH, RANGE 2 WEST; E $\frac{1}{2}$ OF SECTION 15; AND W $\frac{3}{4}$ OF THE S $\frac{1}{2}$ OF SECTION 14).

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Postponement Memo
3. Excerpt of December 10, 2015 Planning Commission Minutes

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to postpone Resolution No. R-1415-84 and Ordinance No. O-1415-33 to the February 11, 2016 Planning Commission meeting. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer, Roberta Pailles, Tom Knotts, Sandy Bahan, Dawn Jourdan, Dave Boeck, Chris Lewis
NAYES	None
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to postpone Resolution No. R-1415-84 and Ordinance No. O-1415-33 to the February 11, 2016 Planning Commission meeting, passed by a vote of 7-0.

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Item No. 5a, being:

O-1516-21 – CHICKASAW NATION INDUSTRIES, INC. REQUESTS AMENDMENT OF THE PLANNED UNIT DEVELOPMENT ESTABLISHED IN ORDINANCE NO. O-0607-35 FOR PROPERTY GENERALLY LOCATED SOUTHWEST OF THE TERMINUS OF JOHN SAXON BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-C

Item No. 5b, being:

PP-1516-13 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY CHICKASAW NATION INDUSTRIES, INC. (LEMKE LAND SURVEYING, L.L.C.) FOR CORPORATE ADDITION 1 FOR PROPERTY GENERALLY LOCATED SOUTHWEST OF THE TERMINUS OF JOHN SAXON BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Excerpt of December 10, 2015 Planning Commission Minutes

PRESENTATION BY STAFF:

1. Jane Hudson – As you stated, you have two applications before you for this site: the PUD amendment, as well as the preliminary plat. The existing zoning in the area for this subject tract is Planned Unit Development to the north, east, and south, as well as I-1 to the west. This subject tract will continue with a Planned Unit Development designation; they have just authored their own narrative for their site. The preliminary plat location does include this entire subject tract but, again, the only area that we will be doing a final plat on will be this small portion.

This is the old Albon facility, which is actually off of Technology Place, which is to the west of this site. This is the street access that will, as noted in your staff report, continue on east and run north of this future development. This is looking back to the west. This is the subject tract itself, and that's Albon in the distance. This is the current CNI office park, which will be north of this proposal. This is looking back to the east, which NEDC still owns this tract of land. This is looking back north on John Saxon Boulevard.

This is the preliminary plat. Again, you can see Lot 1 will be for the approximately 3 acre tract for this development. This is the preliminary site plan for Corporate Addition 1; originally, it was Corporate Addition. The site plan is over to the right; it's blown up a little bit. You can see the building and then the parking to the east. This will be approximately a 25,000 square foot building for office, light industrial type uses – the uses will be the same that were allowed previously on this site.

Staff does support this request and recommends approval of Ordinance No. O-1516-21 and Preliminary Plat PP-1516-13. I'd be happy to answer any questions you might have. The applicant's representative is here with a presentation for you as well.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I really have nothing different to show you than what Ms. Hudson showed you, so I will keep it very brief. I do want to stress a couple points. This really is before you because we had an expired preliminary plat and so we needed to bring back a preliminary plat for that particular little red piece right there. The second reason being that the PUD had this as basically a parking lot and so we had a site plan change that we needed. But the uses are basically what was proposed before: light industrial,

office, just as in keeping with the immediate area. So, with that, we would respectfully request your approval and would entertain any questions you have. Thank you very much.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Ordinance No. O-1516-21 and PP-1516-13, the Preliminary Plat for CORPORATE ADDITION 1, to the City Council. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer, Roberta Pailles, Tom Knotts, Sandy Bahan, Dawn Jourdan, Dave Boeck, Chris Lewis
NAYES	None
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1516-21 and PP-1516-13 to the City Council, passed by a vote of 7-0.

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Item No. 6a, being:

R-1516-54 – SHOPS AT UNIVERSITY NORTH PARK, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM INDUSTRIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR APPROXIMATELY 7.5 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 24TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

Item No. 6b, being:

O-1516-28 – SHOPS AT UNIVERSITY NORTH PARK, L.L.C. REQUESTS REZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR APPROXIMATELY 7.5 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 24TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Plan

Item No. 6c, being:

PP-1516-14 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHOPS AT TECUMSEH CROSSING, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR SHOPS AT TECUMSEH CROSSING ADDITION FOR APPROXIMATELY 7.5 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 24TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Request for Alley Waiver
6. Site Plan
7. Pre-Development Summary
8. Greenbelt Commission Comments
9. Excerpt of December 10, 2015 Planning Commission Minutes

PRESENTATION BY STAFF:

1. Jane Hudson – As stated, you have actually three applications for this site: the land use plan amendment, the rezoning, as well as the preliminary plat. This is the subject tract. It is currently designated as Industrial. Planning Commission has actually seen two applications in this general area in the last year. You had a PUD amendment to the University North Park here on the east side of 24th Avenue, and then you also had this rezoning and preliminary plat that came forward which also placed this area in it with a Commercial designation. If approved, this site would also carry the Commercial designation for the land use. Existing land use in the area – this has a house on it right now; I believe it is not occupied. Across the street you have light industrial uses, and on the east side – there's nothing built there yet, but they do have work going on currently. Again, this is the site that has already been approved; they've not started work there, yet. And then, of course, we have the Southwest Wire facility there to the west.

So for the existing zoning, we have I-2 to the north of Tecumseh, we have the Planned Unit Development for University North Park to the east, we have I-1 to the south and, again, the C-2 to the west. If approved, this tract would also carry the C-2, General Commercial District.

This is an aerial of the site. Again, this is the house that's there on the site right now. Just a few pictures just to get you oriented. This is looking back to the south. There is a pond on the west side. This is looking back to the west; there's the Healthplex in the distance. This is looking west on Tecumseh and then you have the access to I-35 right there at the top. The intersection at 24th and Tecumseh is signalized. And then this is just looking back north. Back to the east

there's the On-Cue gas station. Again, across the industrial uses. This is the site for University North Park where they have started some work out there.

This is the preliminary plat. This is the site plan. Currently this site is developed with three buildings on the east side, with those adjacent to 24th. Those buildings are designed or proposed for commercial retail uses and the parking was calculated as such. Then these four buildings on the west side are proposed for office and, again, the parking was calculated with office use in mind. There will be a cross-access agreement in place, as well as a cross-access parking agreement in place for this site.

Staff does support this request. We do recommend approval of all three items: Resolution R-1516-54, Ordinance No. O-1516-28, and the Preliminary Plat PP-1516-14. I'd be happy to answer any questions you might have. The applicant's representative is here to go over the plat and the site plan with you as well.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, SMC Consulting Engineers, engineer for the applicant – She pretty well described the whole picture. This is 7.5 acres piece of land. The master request is zoning it C-2. You know where it is. The parcel has contained a single-family home for years. It had no development needs or requirements or thoughts. Today's conditions have changed. As you know, construction is under way on the University North Park Professional Center that she alluded to on the east side of 24th Street. And to the east side of 24th Street going south there's some apartments being built. So stuff is happening in this area. The City Council approved that plat in February or September and the tract that she alluded to to the west was approved – zoning – and that plat has been submitted. So stuff is happening in this area. The site is complex. When first approached after performing the survey, I informed my client that the tract would be enhanced by connecting it to the parcel on the west that's called Shops at Tecumseh, and he happens to own that tract as well. And so, with that and the survey, we tried to connect the two together, primarily because of the pond and the area called the water quality protection zone which is there. You see a design there that encompasses that design and also connects the tract to the west with it.

The Greenbelt Commission reviewed this thing before and gave me accolades because they like the WQPZ handling of the pond and all. And when we took this one back through, again it was very quite responsive. The tract received additional commendations from the Greenbelt Commission, and that's unusual. But this one they did.

The design was scrutinized by the Engineering staff to ensure the preservation of the intent of the WQPZ and was incorporated. Staff recommended several modifications and the end result is what you see before you tonight. It is not where we started. So we've modified it to try to make sure we have protected the integrity of the WQPZ and we have done that.

Of the 7.5 acres of this tract, 99,050 square feet or 2.27 acres is for the WQPZ initially. The proposed is 99,332 square feet or 2.28 acres for the WQPZ. This also includes the detention pond that's required. We exceed and meet the design requirements using the stream averaging method as per the ordinance. The design incorporates four water quality devices: bioswales, forebay, grass swales, and extended detention pond, which are all part of the WQPZ preservation. We also have a bioswale right there. We've got a bioswale right there. We've got the forebay right there and one right there. And we've got another additional edge right there which is a ledge that the City wants us to incorporate which is a ledge that incorporates some trees – so it's an extended ledge above the water level. So all these items have been incorporated into this WQPZ method. It's the first time we've had one like this in Norman, so it's been looked at pretty carefully. So we offer that to you tonight.

As far as traffic, we turned in a TIA that's been utilized. Staff now recommends approval. Specifically, the site has three driveways existing. When we get done, there will be two; so we reduced it by one. Utilities – the staff also requested that we connect this tract and the tract to the west with a water line. So we're coming off 24th where there is existing water line and we're bringing the water line and incorporating it and taking it across this area and tying into this tract over here. So that water line will be looped. And on the other side it goes back up to the water

line which is in Tecumseh Road. Sanitary sewer – when this project was started over here, we didn't have sanitary sewer. We have now got a sewer line that comes across the road, comes down, crosses right here, and the manhole exists right there today. We will extend and take it over to this site and sewer this tract and that tract. It's now built. Staff recommends approval. All the bodies we've went to have recommended approval. And we ask for your approval. I'd be glad to respond to questions.

2. Ms. Pailes – Could you just explain a little more about the ledge? I just don't quite know how to visualize that.

Mr. McCaleb – 5' ledge. A flat area. Have the area above the water level. It's a flat area. I called it a ledge; that's what I think it is.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – I like to see these kind of environmentally sensitive spots being considered the way this one has been, using bioswales and vegetation and things like that as an alternative way of purifying stormwater runoff and keeping our water clean. So it's good to see that kind of stuff.

Chris Lewis moved to recommend adoption of Resolution No. R-1516-54, Ordinance No. O-1516-28, and PP-1516-14, the Preliminary Plat for SHOPS AT TECUMSEH CROSSING ADDITION with an alley waiver, to the City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS

Andy Sherrer, Roberta Pailes, Tom Knotts, Sandy Bahan,
Dawn Jourdan, Dave Boeck, Chris Lewis

NAYES

None

MEMBERS ABSENT

Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1516-54, Ordinance No. O-1516-28, and PP-1516-14 with an alley waiver, to the City Council, passed by a vote of 7-0.

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Item No. 7, being:

O-1516-34 – RED ROCK LAND FUND, L.L.C. REQUESTS AMENDMENT OF THE PUD ESTABLISHED IN ORDINANCE NO. O-0708-40, AS AMENDED BY ORDINANCE NO. O-1516-23, TO ALLOW FOR MULTI-GENERATIONAL HOUSING FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 12TH AVENUE N.E. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-C
4. Pre-Development Summary

PRESENTATION BY STAFF:

1. Janay Greenlee – As you stated, Red Rock Land Fund is requesting amendment to PUD Ordinance No. O-0708-40 at the corner of 12th Avenue and Tecumseh. This is the existing PUD. This preliminary plat just went through in December. This PUD amendment will only pertain to this tract here, not to this tract on the west side. Currently it's vacant, going through development soon, as the preliminary plat was just approved by Council in December.

This is the site itself. This is the corner of 12th and Tecumseh. The main reason for this PUD amendment is to allow multi-generational housing in single-family house. It will allow basically a 400 square foot addition that will be attached to the house for seniors – for family to be able to live in with their family, with a small kitchen, a living area and a bedroom. It will have a separate entrance, but it will be connected to the main dwelling. There will not be a separate address, so it will just be part of that main structure. This is the main reason that we brought this forth for this PUD amendment. There are some minor amendments. There's going to be allowance of one or two stories. Garages may be one or two or three vehicle capacity. But everything in the underlying PUD basically is staying the same. The only reason they brought this forth is to allow for the multi-generational addition to this PUD. And, with that being said, staff does recommend and support Ordinance No. O-1516-34. I'd be happy to answer any questions.

2. Mr. Knotts – Is there any prohibition in this to renting that space out?

Ms. Greenlee – Because it will have the same address, it won't be able to be rented out. It will be on the same utilities. It won't have separate meters for any utilities at all and it will not be allowed to be rented out as a separate unit.

3. Mr. Boeck – People are devious by nature. Keep someone from renting it out, even though – I mean, there's lots of rental units that don't have separate meters on electrical and stuff like that. I'm just asking that question. I love this idea. But someone is going to ask that question, so I thought.

Ms. Greenlee – Sure. It will have the same address. So it's one unit and it's attached to the single-family house.

Mr. Boeck – I know it's meant to be like for parents.

Ms. Greenlee – Correct. If that does come into play or there are complaints, that will be up to our Code Enforcement to go out and do an inspection if that does happen. These are going to be basically marketed as these types of units. This is not going to be multi-family and the houses are going to be one or two stories with three garages. Like I said, they'll have a separate entrance, but they'll also have access to the remainder of the house. It will become a Code Enforcement issue at that point.

Mr. Boeck – Well, being a proponent of aging in place, I'm supportive of this. It will just be interesting to see if we do a statistical analysis on this in five, ten years and see how successful it is as that. I like this idea.

4. Mr. Lewis – Janay, one question. This allows each piece of property to have this addition to it, but it doesn't require that each piece of property have this addition in it.

Ms. Greenlee – That is correct.

5. Ms. Pailes – Two questions. I should be the poster child for multi-generational living. But in terms of reality, it's self-limiting. Of the folks I've had live with me, three years was the longest and then you have an empty room. It seems relatively likely that some of them will be rented. And that was my question. If it just reverts to Code Enforcement, it will be interesting to see how that plays out. Equally likely, I think, is older children moving back, which is still multi-generational. If a house outside this particular area had a parent move in and got a permit and added onto their house, they could readily build something about this size just with a permit for an addition, couldn't they?

Ms. Greenlee – That is correct. In R-1 you can allow additions to houses, but we don't allow kitchens per se. There is allowed kitchenettes, but not full cooking facilities such as this is allowing.

Ms. Pailes – Okay. And, actually, this is safer because we added on and that was kind of an issue. So this is really a much safer option.

6. Ms. Messner – Let me clarify a couple of points. Your question about renting the units: Janay is correct that it won't have a separate address. However, there's no prohibition in the PUD that would allow, for example, the homeowners association to enforce a situation where there were multiple tenants in one of these type units. Something, maybe, that if you wanted to ask the applicant to address, that would be a good question for him. I do think that, as far as Code Enforcement enforcing an issue of this being rented out and a three unrelated type issue, that it would be a stronger case for Code Enforcement to have it clearly stated in the PUD that these are not allowed to be separate rental units, that they are intended to be occupied by a multi-generational single-family type structure.

In addition, as far as adding onto another house in the neighborhood, we don't have a specific prohibition in the code that would prohibit a second kitchen, however, our Planning Department strongly discourages that because of the inherent ability there for a wall to go up and for it to be a duplex and you start having over-occupancy issues. And it's an easier way for our Code Enforcement officers to enforce it, if there's one kitchen, one central living area in a home, to understand that it's a single-family unit when it's constructed that way. Does that answer your questions? Thank you.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, representing the applicant – I believe there certainly is no intent that this be a rented second unit at all. Let me explain a little bit about the genesis of this. This is Ideal Homes. They've built, of course, many, many, many homes throughout the State of Oklahoma and they've had this request many times to have a little kitchenette put in for an in-law suite they call it. What has occurred is the City of Norman has been very reluctant to do that from a zoning perspective for these reasons. So they asked us to come back through the process with a PUD amendment. We tried very hard to write this PUD amendment to keep it so that it can't be a rental. I would urge you to consider, though, that any three-bedroom house we build could easily have a room rented out. There's no distinction, really, between this and those and the three persons ordinance is aggressively enforced in this town I can tell you right now. I have a client being prosecuted.

And it brings me back to one of the first cases I had with Code Enforcement was a client who had a home and I think one of the homeowners somewhere in that area and they had converted the basement to a kitchen in an apartment and it was a two unit then. Code Enforcement, through the neighborhood, quickly seized on it, had them connect the units. The result – the solution was – because there was no connection between the upstairs and downstairs. There was a walk out basement apartment and an upstairs apartment. And Code Enforcement said if you connect those units. And I believe they had to dismantle parts of the downstairs kitchen. Then it was okay. And that's what they did. And that tenant downstairs quickly moved out because you have free interaction between the two spaces. And so that's sort of the concept of what we've tried here.

I want to show you what it will look like. That is the actual paragraph that's in your staff report. You can read it. But I wanted to highlight some of the things. The multi-generational suite cannot exceed 400 square feet. It may have a separate exterior entry, but it must be connected inside. There must be a continuation of space inside the unit. It cannot be walled off, as I talked about on that Lahoma address. And it must be accessible to the remainder of the house. It may not have separate utility meters. It may not have a separate garage or separate parking. It may not have a separate mailing address. All of this is written into the PUD. And it must utilize the same mailbox and street address as the rest of the house.

So, if you can imagine all of that, basically the only difference between this and another single-family house is that we've allowed for a kitchenette in one room. That's really it. Otherwise, it's the same thing. So Code Enforcement, I think, could be very easily on top of the situation.

This is, in essence, what they look like. Again, it's Ideal Homes units. You can see on the bottom they call it an in-law suite. And you can see over on this one, for example, the kitchenette is – and this is a really small area. That's the other thing. You're certainly not going to even find people wanting to rent this as a separate apartment because it's a tiny little area on a much larger house. So it's an in-law suite of a bedroom, a bath, a walk-in closet, and really a pretty tiny little kitchenette area that can serve them so they can have some privacy, some independence. They're not going back into the main kitchen and making meals with the rest of the family if they don't want to do that that night. But a continuation back into the remainder of this space from that space. And then over here, they don't show the kitchenette, but I think they were planning it down in this area and, again, a bathroom and walk-in closet. So really quite small spaces. These are not anything that's going to in any way be considered another unit.

They're actually – I put no protests. I think there was a protest filed. One protest within a neighbor to the district. So please disregard my note there of no protests; there is one. Otherwise, staff supports. There's no 2025 plan change. Platting has already gone through and that was it. So I'm happy to answer any questions that you have.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – The comment that I'd have is that I'm glad we're addressing this, because us baby boomers understand the situation with parents. I have many friends that are dealing with the situation right now, and having a house that's actually designed to accommodate this kind of thing, I think, is really important. Because, otherwise, like Roberta said, you go in and try to fix things in your house to bring someone in, but there's so many things that need to be fixed. So it's a good start. I'm assuming that the drives and the entrances will all be accessible – no steps, those kind of things?

Mr. Rieger – I wouldn't speculate very much that if this is a multi-generational targeted market, they're not going to.

Mr. Boeck – I'll talk to Richard about it.

Mr. Rieger – I will find out for you.

Dave Boeck moved to recommend adoption of Ordinance No. O-1516-34 to the City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS

Andy Sherrer, Roberta Pailles, Tom Knotts, Sandy Bahan,
Dawn Jourdan, Dave Boeck, Chris Lewis

NAYES

None

MEMBERS ABSENT

Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1516-34 to the City Council, passed by a vote of 7-0.

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Item No. 8, being:

O-1516-35 – METRO SHOE WAREHOUSE REQUESTS VACATION AND CLOSURE OF A PORTION OF A 20' DRAINAGE EASEMENT LOCATED ON LOTS FIVE (5) AND SIX (6), BLOCK ONE (1), IN UNIVERSITY NORTH PARK SECTION VI.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Request for Easement Closure with Exhibits A and B

PRESENTATION BY STAFF:

1. Ken Danner – When University North Park Section VI was platted, part of the improvements were underground storm sewer systems. The storm water was to pick up future parking lots and convey it to a detention pond. It just so happens an applicant has purchased two lots and the storm sewer is conflicting with their proposed building. And that's the purpose of the closure and potential vacation of a portion of that easement. Staff is not opposed to this. The engineer is here to make a presentation for that, and staff recommends approval.

PRESENTATION BY THE APPLICANT:

1. Mark Grubbs, Grubbs Consulting, engineer for the applicant – I don't really have a lot to add to what Mr. Danner said. The north end of that easement the building sits directly on. The parking lot sits to the south. This is an exhibit that we submitted with our application to just give you a rough idea that the easement is shaded in gray there. Their proposed building is sitting currently over the easement. And then there's a parking lot surrounding the building. This sewer was only designed to serve these two lots and to convey it to the detention pond. So we're just requesting to close that portion of the easement. We submitted public improvement plans to remove that storm sewer. So we just request your approval.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

*Sandy Bahan moved to recommend adoption of Ordinance No. O-1516-35 to the City Council.
Dave Boeck seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer, Roberta Pailles, Tom Knotts, Sandy Bahan, Dawn Jourdan, Dave Boeck
NAYES	None
ABSTAIN	Chris Lewis
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1516-35 to the City Council, passed by a vote of 6-0-1.

* * *

Item No. 9, being:

O-1516-33 – MARIA GARDNER REQUESTS SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, SPECIAL USE FOR A LIVE ENTERTAINMENT VENUE, AND SPECIAL USE FOR ADULT ENTERTAINMENT USES FOR PROPERTY ZONED C-2, GENERAL COMMERCIAL DISTRICT, AND LOCATED AT 1309 24TH AVENUE S.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Pre-Development Summary

PRESENTATION BY STAFF:

1. Janay Greenlee – As you stated, Maria Gardner is requesting a special use for a bar, lounge or tavern, and a special use for a live entertainment venue at 1309 24th Avenue S.W. The adult entertainment special use has been pulled from this because of its proximity to R-1. Adult entertainment uses are not allowed within 500 feet of residentially zoned property and we did find out after it had already been advertised that it was, in fact, within that 500 foot, so we've pulled that portion from this application.

This is the subject tract. The existing zoning is C-2. In C-2 a special use for bar, lounge or tavern and live entertainment venue is allowed with a special use permit.

We have C-2 surrounding it. To the north, a PUD; to the south – and as I stated you have some R-1 and A-2 to the east and also commercial to the west as well as R-1. The existing land use – currently, there is a building on this tract with a parking lot. A building to the west of it. It does have a commercial land use designation as well. This is the site. The last business that was there was The Labyrinth. This building was built in 1965. It was platted in 1951 as part of Murphy's Addition. When it was built, according to the County Assessor's website, it was built as a warehouse/showroom. Just from some local research with people that have lived here through the years, I don't know what type of showroom it was, however, since the late 60s/early 70s it has always been a bar, lounge, event center of some sort. From early as the 70s until just even recently, it has always had that type of use. It wasn't until 1991 where we had the special use for the bar, lounge or tavern was adopted as part of a special use permit under C-2.

So this is the site. To the north is the Dollar General, Del Rancho, Conoco – so a lot of commercial businesses. A lot of kind of light industrial businesses, too, as well as restaurants. What is directly in front of this building is kind of a market – thrift store right now. It was a restaurant at one time, I was told. This is the neighborhood looking back to the east. This is directly behind the building – to the east of the building. There's a type of a greenhouse. There's a PUD there, and I believe it's a greenhouse operation. Not retail, though. They evidently grow plants there and have a small landscaping business. Again, the neighborhood to the east. This is looking back west from Briggs Street. It's just north of the building. Looking to the south on 24th. Again, to the north on 24th. And across the street – car lots, hotels, storage unit, and Sooner Legends is also there. There was a 5.6% protest within the notification area. These highlighted are the protest areas.

Being that this business has been established and kind of grown with this type of use throughout the years, staff believes and supports this ordinance – special request for the bar, lounge or tavern and the live entertainment venue. It has been that through the years. The applicant wants the zoning to be in conformity, so therefore they've come forward with this request. Staff is supporting Ordinance No. O-1516-33. We'd be happy to answer any questions.

2. Mr. Lewis – Janay, I have a question of clarification. What is prompting the applicant to come forward for the ordinance change? I mean, has the building been vacant? Is something changed?

Ms. Greenlee – The building has been vacant in the past. Like I said, it's been this type of use over the past 45-50 years. To be in conformance with the zoning regulations, it requires a special use for an entertainment venue. The applicant wants to have birthday parties, wedding

receptions, and wants to be able to have the bar in conjunction with those events – not to have a bar per se that's independent of those other uses. So the bar, lounge or tavern use would only come into play when you'd have a concert, or a live entertainment venue, or an artistry show. So to be able to rent the facility out legally and be within the zoning regulations, they need that special use to continue.

Mr. Lewis – So one last clarification. If we do approve it for special use as a bar, lounge or a tavern, then a bar, lounge or a tavern with live entertainment could fully open up there. Is that correct?

Ms. Greenlee – That is correct. However, with a special use, you can apply any conditions to the special use. From what we understand from what the applicant's request is, her intention is not to run it as a bar that would open from 10 a.m. and close at 2 p.m. on a regular basis. It is only around those type of live entertainment venues, so that they can basically be the bar and they can serve the alcohol. They have to follow ABLE Commission regulations, and so they would be under those as well.

Mr. Lewis – And so we can add that condition to this ordinance, then.

Ms. Greenlee – Yes, you can.

Ms. Connors – I just wanted to clarify one thing. On your first question, this did become vacant for two years so they lost their non-conformity and now need to come in. And a special use is tied to the property owner, and so if somebody else wants to pass it along, it requires an action and a letter and so it doesn't automatically convert to a new owner.

Mr. Lewis – I'm just concerned that we have a neighboring development less than 500 feet away, and if we do approve this without condition as a bar, lounge or tavern with live entertainment, we now have a neighborhood that has a great concern or a great nuisance in their back door.

Ms. Greenlee – That is correct.

3. Mr. Sherrer – Janay, tell me – this is more of a clarification for me, but live entertainment. I can go through and see the definitions and that. But things like – you know, we've talked about burlesque shows. Where does that kind of thing fall within the live entertainment venue?

Ms. Greenlee – That would be under adult entertainment.

Mr. Sherrer – So that's been removed.

Ms. Greenlee – That's been removed.

Mr. Sherrer – So tell me what is included in live entertainment?

Ms. Greenlee – It would be like having a concert, having a show there. Several years ago – there's been several kind of medium to big names that have actually performed there. So a concert with live music is what live entertainment.

Mr. Sherrer – Okay. And we can further define that if we ...

Ms. Greenlee – If you wanted to. Definitely, as far as a condition in the special use. So a wedding party could have live entertainment. You could hire a band to come in.

Mr. Sherrer – This is more of a clarification, too. How are these kinds of special uses monitored within the City?

Ms. Greenlee – As far as live entertainment?

Mr. Sherrer – Yeah. I mean, you know, that's a pretty broad term and how – and you just defined it in your words, but ...

Ms. Greenlee – Basically in our definitions, live entertainment venue is anything that's open to the public and you pay for that entertainment venue. You're going in. I'm buying a ticket to see a concert, to see any type of a show.

Mr. Sherrer – And then enforcement is carried on – how is that?

Ms. Greenlee – It's through our Code Enforcement. So it's complaint driven. If somebody says, hey, you know, they're open right now at 10:00 in the morning and they've got – you know, there's pool tables being moved in and, you know, they're open and then, of course, it would go to Code Enforcement to be worked. And when that happens, then, of course ...

4. Ms. Pailes – So this is being requested as a site for an event center, as opposed to a bar. Is that correct?

Ms. Greenlee – Correct.

Ms. Pailes – Is event center legally defined?

Ms. Connors – No. Not in our code.

Ms. Greenlee – Not in our code. Not in our definitions.

Ms. Pailes – That's the intent, but that's not legally defined.

Ms. Greenlee – A live entertainment venue is defined. An event center is not. But, like I stated, a live entertainment venue is anything where they would open up and sell tickets to the public, as opposed to like say they rented out for a birthday party or wedding, then that's a private party. And the reason that they have to have the bar, lounge or tavern for that is really under ABLE conditions and regulations, because now it's changed that you used to be able to, say, if I wanted to have a wedding – or if I wanted to have a show and sell tickets to that show, I can't hire a private caterer to tend the bar anymore. You have to be able to hold that liquor license within that building on that property.

Ms. Pailes – No. I was thinking of the difference being in occasional use versus regular hours.

Ms. Greenlee – Yes. It's definitely – it's more occasional, not Monday through Friday and weekends all weekend.

5. Ms. Jourdan – I had just a procedural question about the way it was advertised. You said that after it had been advertised you realized it was in too close proximity to be an adult entertainment facility. Does that change anything about -- the way it's advertised -- whether it needs to be readvertised and reheard by the Commission?

Ms. Greenlee – Because it was advertised like that, and once we found out after it was advertised, when we went through and did the staff report, we called the applicant and said we cannot support this because of the proximity to the residential area. And at that time we just pulled that item and then the staff report reflects that and going forward to Planning Commission reflects that as well. There's not a readvertisement, if that's what you're asking.

Ms. Connors – And the reason there is not a readvertisement is because we're coming forward with something less intense. So as long as we over-advertised, we can then discuss something less intense here and at City Council.

Ms. Greenlee – The applicant is present if you have questions.

PRESENTATION BY THE APPLICANT:

1. Maria Gardner, 702 N. Lahoma, the applicant – Questions, if you'd like. I'm a little bit nervous. This is my first time. A little bit intimidating.

2. Ms. Jourdan – Can you tell us what your vision for your place is?

Ms. Gardner – Event center that has diversity – that we're able to have children pageants during the day, kids' birthday parties, lease it out for those types of events. And then also be able to have a fashion show, an art show, and different things for more of an adult crowd. Also painting – it's called the Topsy Artist. I would love to have her come to the event center. So just a variety. I've always been into music and any kind of art in any genre – from country, rock, rap – you name it – jazz, classical. So I wanted to be able to invite all different people to the center than just close it to just kind of one particular. Does that answer your question?

3. Mr. Sherrer – So you will not have burlesque shows or anything of that nature?

Ms. Gardner – No. I will not. I want to be in complete conformance with all the laws, the rules, regulations. That's why I'm making sure that I dot my "i"s and cross my "t"s and bring everything – all my ideas to City Council, Planning, and let you know exactly what my vision is.

4. Mr. Lewis – Ms. Gardner, if I may. One quick question in regards to your intent of the use of the building that's in my question going back to it functioning as a bar or a lounge or a live event show and having a neighboring development within 500 feet. What is your intent in regards to the hours of operation, and do you intend to use it as a bar at any point in time? That being said, then would you be opposed in any way, shape, or form to adding those conditions onto your application?

Ms. Gardner – We want to, kind of like Janay said – we want to be able to be the bar when we have those special events, rather than having a caterer come in, going through the ABLE Commission, getting that particular license – it's just more cost efficient. It's going to make us more money, and then we can give our customers a better price. So, no, we have zero intent on being a bar, lounge or tavern; we just want to be the person that makes the money off the liquor. So that's our economic intent, really. So, no, we won't be opening up saying Love's Bar and Tavern from 10:00 a.m. to 2:00 a.m. It would definitely be, you know, this person – this promoter has come and leased out the venue for Friday night, having a special event. That type of deal.

Mr. Lewis – And what would you see those hours of operation for a special event to be?

Ms. Gardner – It just depends on the person and what exactly they want to lease the place for. So, you know, a wide variety as far as, you know, wedding receptions, corporate picnics, and stuff during the day, and then also having more, you know, 21 and up events, concerts – what other kind of things? Concerts. Like she was saying, any band that comes in that they explained to us – that is live entertainment. So we would like to have – definitely have music a part our event center. And we have a lot of artists – since it has been, you know, that so much in the past, a lot of artists are like, hey, when you guys open up, let us know. We would love to be able to promote our music at the venue.

Mr. Lewis – What a great cultural venue. My concern, and this is what I'm sharing, is you have a development within 500 feet of you and it staying open until 2:00 in the morning, serving alcohol and a band playing at full steam, when the residents around you are maybe trying to sleep at 10 or 11 in the evening. That's why I'm questioning what ...

Ms. Gardner – Okay. Well, we've turned the music all the way up full blast, and when you go outside the building you cannot hear it. It's soundproof. So they would not hear any music, as far as bands. We've done everything you could possibly think of. We would also have security that we're interviewing that's CLEET certified that would not only be inside the building, but also security in the parking lot.

Mr. Lewis – So, from what I'm understanding is, you do plan on having the building open 'til 2:00 a.m. when ABLE Commission says you have to shut down serving alcohol.

Ms. Gardner – If there is a person that leases it out that says that there's a concert from 12 to 2, yeah, that's what we'll do. Or like they say that they want to have a before party – like maybe a CD signing and then throw their concert afterwards, or something like that, then, yes. It wouldn't be all the time. It would just be when that – however that person – 'cause like, for example, we have a Euphoria Artistry, and they start at 7:00 and end at midnight. So it's not always going to be 2:00, but we want to leave that open as an option for people who do want to come out that late.

5. Ms. Pailles – I have a question about signage. They're relatively close to I-35. What kind of signage do you anticipate? What would be the limits on signage, since it's relatively near I-35 and other large signage areas?

Ms. Connors – Well, this would be allowed whatever is allowed in the C-2 zoning district. Wayne, can you identify that?

Ms. Pailles – Sooner Legends, across the street, has big signs. I'm just thinking in terms of the neighborhood.

Mr. Stenis – They would be allowed any signage allowed in C-2 zone. They do share a lot – it's not a separate platted lot from the other building on the property. That property already has a ground sign, I believe, that they would need to share. To the best of my recollection, they're not within the I-35 Corridor that would allow an 80 foot sign.

Ms. Pailes – Yeah. That's what I was concerned about.

AUDIENCE PARTICIPATION:

1. Charla Priest, 2111 Briggs Street – I have lived on this street since 1960. So, as Mr. Lewis said, you said one word that pretty much sums up everything since then. This particular building – establishment – whatever business has been in there, have been a nuisance. I remember when that particular area was nothing but a field. So, I mean, I've seen everything grow up in that area. I don't ever remember it being built as a warehouse. It started out as the Blue Onion Nightclub and it went crazy after that. I can tell you, as a person who lives on that street, we've had trouble with people driving up and down the street at all hours, all speeds. When they go to the club, they park in our yards. They've mowed over all of our mailboxes at different times. The people who live on the end by Dollar General, the Lopezes, they have a pipe fence in front of their house that was put there by the previous owner to keep people from parking straight up into his yard. The mailbox is also made out of pipe and is dug down probably 10 feet into the ground. I heard what Ms. Gardner said, and if that is what it's going to be, with the conditions that she stated, it sounds really good. And maybe there has not ever been a problem with the business itself, but with the patrons after they've left. I have personally witnessed people that, after they've left that club at different times – granted, it was not under her jurisdiction at the time – but I watched a guy go to the bathroom in my front yard. And I'm like, okay, that's it. I'm calling the police. They came and cleared out all the cars. We have no parking signs on the north side of the street. If it is contained, that's one thing, but it always seems to get out of hand. And, like I said, I've lived on this street my whole life growing up, and right now we've got probably six families, some with small children, some with teenagers. And it's hard to get down that street when there's a car parked on one side and I know when I've come down from 24th Avenue to my house, cars have been parked there. People have been walking around. I hate to say it, but you know kids and young 20-year-olds – they don't want to get out of your way; they want you to wait on them. It is a nuisance. It is a headache. If she can contain it as she stated, that would be great. But I have heard from other neighbors that there has been a lot of loud noise. I sit out on my back patio and in my swing at night in the summertime and I hear everything from – everything up and down Lindsey Street, on our street – everything. If she can contain it as she said, that would be great. But if it can't be contained, then it's going to be just like it's always been. I wish I could be more eloquent in what I'm saying. But it hasn't served a good purpose in the time I've seen it there – that whole building and whatever it's been. So I respectfully request. Thank you.

Mr. Lewis – I have one question, and I didn't want to impede on your time. The applicant did say that the building was soundproof, and you have been there, obviously, since 1960, so I appreciate your comments. In your history of being around that building, have you heard a noise level that is unacceptable to you as an individual, other than the cars – just the noise level?

Ms. Priest – There have been times, yes. I know that a lot of the previous owners have told us, oh, we've soundproofed it. We've done all this. And I'm like sure. But it's never – there are times when it keeps coming out. I don't know whether somebody keeps pumping up the volume or tweaking the tweeters or woofers or whatever. But there are times when it is deafening and stuff. And then other times you can't hear it. But there are times it's not good. I think I'm the only one on our block that stays up past 2:00 in the morning. So I mean I hear it. I go out, like I said, in the summertime, it's nothing for me to be sitting on my patio at 3:30 in the morning. I am a night person. I hear stuff all over that neighborhood – everything. I've dealt with Skateland when it was built. That was a field when we first moved there. When we moved here to Norman when I was a child, Boyd Street was the city limits and we moved over there to Briggs Street and the following year we moved all the way across the street to where I am now at 2111 Briggs. And I don't want to move again.

2. Maria Socorro Lopez, 2211 Briggs Street – We are the owners of the house almost in front of the place involved. The sound is loud. We are parents of six; five of them are in school. The youngest is 10 years old. All of them have a really stretch schedule at school. First, I want to say I'm sorry for my English; I'm nervous and it's not good as yours. But I'll try to explain our concern, my husband and I. Because when alcohol is involved, our kids will be in risk. Because we have – like two or three times since we moved there, maybe was a concert or – I don't know what kind of music they had in the place and so many people in front of our house. And my son is working in the afternoon, and until now he had the freedom to walk from his work to home. And if this happen again, then he will not be able to walk anymore. We moved from California looking for a better place for our children to grow. All of them were there. And we are happy living here. This city is our home. And we are thinking on the possibility to sell the house to move to another place but, first of all, the kids love their school and they don't want to move. And it's not easy to sell a house because eventually if another family come and see our house and what it is, they will see the area around and they don't want to buy our house because, honestly, we don't want to buy a house with this business in front. So we are so worried. It sounds pretty good, but we live there. Maybe they don't. And that's all I can say.

3. Ron Kirkpatrick, 2300 W. Lindsey – I would like to say to the last person, you're not the only one nervous so don't worry about that. I'm here with my wife, Karen, and Donna Porter who is the operator and the owner of the Del Rancho Restaurant immediately north of this property, and the Coxes who have Christmas Expressions. We have owned the Del Rancho Restaurant. We owned it from July 1, 1979 and Donna bought the business from us three years ago and we still own the real estate and she owns the restaurant – the business itself. I can tell you from experience that, when it was the Blue Onion or whatever the name of it was, the noise – you can hear it from Del Rancho. So I can appreciate what the people who live across the street say. So I don't know how much soundproofing you can put in a building to stop the noise. But I'm concerned – I appreciate what Mr. Lewis was – the questions that he asked and Mr. Sherrer, what you asked about the live entertainment, because I'm concerned about the live entertainment. I wrote a protest and I think you all may have that, and I looked at their website and I saw the pictures of the live entertainment. I don't know if that's going to be the live entertainment that's going to be here or not, but I don't think that we want that in our neighborhood. I know the people living across the street don't. They mentioned security in the parking lot, security in the building, security in the parking lot. My thoughts are if you don't have the alcohol inside you may not need security in the parking lot. But we're concerned about that particular type of business -- if that business is going to be what's shown on their website, we're concerned about that being in the neighborhood and affecting our business. We have -- the Del Rancho drive-in has been in Norman since it was Jonesy's in the 50s. We have a landscaped area out back where families sit with their children and eat and that particular business just immediately south of us would be very detrimental to our business, but I think it also could affect the safety of our customers and certainly the safety of the children across the street. She said, I believe, she had five children. We're real concerned about what type of business it is. I would like to know what this live entertainment is, because they kept saying live entertainment. They've removed the burlesque. We were at the last meeting and they said they removed the burlesque. But what is live entertainment 'til 2:00? Don't know what that is. I hear what they say and special events and where people come in and rent the building. But I'm real concerned about that. And we all are. So that is pretty much what I've got to add to it. I hadn't thought about the noise that much until it was discussed here, but the noise is very, very loud. It always has been when it's been this type of venue before. And the lady that said that property has always been a problem – I would love to see a wonderful business go in there. Norman is doing a lot and we're really happy with what they're doing to Lindsey because that's a main corridor coming into Norman and football traffic comes down Lindsey. I don't think immediately south of Lindsey a bar and lounge with I don't know what kind of live entertainment might not be what the people of Norman and the City Council might want people to see coming into town.

Mr. Sherrer – A question for the applicant, just as a follow-up to that. Define what live entertainment is for you in this business – the maximum that you would ever want to do for live entertainment.

Ms. Gardner – Well, I just want to clarify with the live entertainment versus adult entertainment. We were told that the adult entertainment was okay at first. So I took the burlesque out and we're abiding by everything that the City regulations and zoning has asked us to do. I wouldn't do anything outside of those regulations because – I wouldn't be here right now unless – you know. So I – and the negative stigma that past lessees and owners – I don't think should rest on our shoulders. We're trying to bring an up-scale event center and diversity to Norman so I think that's a bonus and a plus to our community. We want to build the community as well. Sorry, back to your question.

Mr. Sherrer – No, that's fine. I just want to know the maximum – I mean, you know, there's some concern about what that is and I know that our City code is pretty broad. It's more about whether you accept payment for some sort of an event there. What is that? I heard you say concert. What's the maximum that you can – that you would limit yourself to offering?

Ms. Gardner – Okay. We've got a list to the City. Catered events, meaning birthday parties, wedding receptions, anniversaries. Charity events. Painting parties. Fashion shows, which is considered live – I guess, not really if there's not – we have to get the special use for the liquor. We can have the fashion show, but we can't serve the liquor at the same time. So that would be considered live entertainment. Art show is actually considered live entertainment if you use any models. The models will still be in regulation with the City when it comes to not crossing over into adult entertainment. There is a line between adult entertainment and live entertainment and we're asking for live entertainment. Children's events. My daughter competes in pageants. We support the MDA so we would like to be able to – we've asked them, you know, can we be a host? So that's something we're looking to do next year. So this is not just an event center for adults, this is an event center for families as well. So when they're emphasizing family, so are we. We're a family that has three children and a grandchild. So we're very much family oriented when it comes to this and that's why we wanted to make it not just a bar, lounge, tavern. We want to make it an event center so it can be family friendly as well. And last, exercise classes and concerts. Concerts is the main thing that they said emphasizes live entertainment. So in order to be able to have the live entertainment and serve the liquor at the same time, that's the reason why we're having to get the special use is to do both at the same time.

Mr. Sherrer – I think that's a great point. I'll ask Director Connors to read the definition of live entertainment venue, please.

Ms. Connors – So in our zoning code, it's an establishment where a major component of the business includes live or electronically amplified music, dancing, or other entertainment, and which may impose an admission charge or cover charge to observe that entertainment. Nightclubs, bars, and dance halls are typical uses within this category. This category shall not include, in any manner, any Adult Entertainment Establishment. So if you approve the special use for a live entertainment venue, then as we're enforcing it, it would be based on this definition.

Mr. Sherrer – Since it references Adult Entertainment, define what's adult entertainment within our – is that a page? While you're looking at that -- we'll get that definition in a second – I'm going to ask Kathy Cox has requested to speak. So thank you so much.

Ms. Gardner – Okay. No problem. And may I address them after, because they brought up some points that I wanted to – you know, I mean, 'cause they're going to be my neighbors so, I mean, I want to have a positive relationship with them. I don't want them to feel as though that we're impeding on their personal lives and their kids wouldn't be able to walk. I want my kid to be able to walk across to the Dollar General and be safe. In no way would I try to endanger children at all.

4. Kathy Cox, 4913 Baker Street – I own Christmas Expressions at 2214 W. Lindsey. I'm sorry, I'm not a public speaker, so bear with me. I appreciate you all here. We have had previous incidents with bars and taverns located on Lindsey Street and at the proposed site right now. I have to clean up my parking lot, remove beer cans and other paraphernalia that have been left by customers. We've had to tow cars that have been left overnight by those patrons. And I think, as a city, we're investing so much right now in Lindsey Street that this type of business might be detrimental to the improvements that we're spending almost a million dollars on. So my one question for Ms. Gardner is, can you explain the Euphoria Artistry that you're going to be selling tickets to in a little bit more detail? And then is there any limitations on private parties, as far as the City of Norman, if they hold private parties there what kind of activity can happen there? So thank you very much.

Mr. Sherrer – I think that Director Connors has a definition at least for what adult entertainment, to kind of differentiate that between live entertainment, and then I don't know if there's an answer to some of those questions on private parties as well.

Ms. Connors – Adult amusement or entertainment is amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to sexual conduct or specified anatomical areas, as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment. And then many of these things are defined herein. And there would be no – in the C-2 zoning, having private parties, there would be no restrictions on those that I could define.

Mr. Lewis – Mr. Chairman, I would ask one point of order. I know the applicant has asked to address the individuals' questions. I would ask that those answers be directed to the Commission and not to each individual in the audience.

Mr. Sherrer – I think that's a great point that you make, and I think the applicant – there were a couple of questions, one of them about Euphoria Artistry and, if you would, I would love to have an answer on that. And again, I think Commissioner Lewis' comments are great there, but if you would direct those comments.

5. Ms. Gardner – Sure. No problem. Face this direction. Yes. Euphoria Artistry is actually a group – we're a group of artists that were designers, meaning clothing, artists that draw with paint, artists that draw with pen, pencil, just a variety of art. We emphasize different things at different shows. For example, this next one is Greek mythology so each model is actually going to be her own designer and then kind of act out that – it's more of a theatrical runway show. Something new.

Ms. Jourdan – I wondered if you could tell us the maximum capacity in terms of people for your building, and then the number of parking spaces.

Ms. Gardner – Yes. We got approved by the Fire Chief for 270 and actually the owner of the building and the building right in front of us and then they own another lot to the side, so as far as the thing about people parking on the street and all that – the parking lot attendant and the security would direct them to park in our area, so there wouldn't be any problems with people parking on the street or anything like that. So the 270 people – all the cars will fit in that huge lot that the Traws own. We've gotten their permission to use that as well.

Mr. Sherrer – Excuse me, Commissioner Jourdan. I was going to follow up. Do you know how many parking places there actually are?

Ms. Gardner – I don't know the exact number. We just got the occupancy from the fire. We've just been kind of taking each step at a time. So after we figured out – from the beginning she said – I think the owner said I think the capacity is around 300. All the cars will fit I guess from her experience, because she's born and raised in Norman – that all the cars will fit. But we have to have people directing them to park, making sure they're parking in our parking lot. And that's one thing that we'll definitely do. I want to respect our neighbors and I don't want

anything to get out of control. I've been in this business – my degree is in marketing and promoting. I've been an entrepreneur ever since I was like 15 years old. You know, I started with my lemon stand and every day it's been a dream to be able to have an event center where I can – because I'm mixed nationality – to bring different cultures together in one area.

Ms. Pailes – I was going to ask about the parking. That seems an obvious. Is the parking – as I recall, the parking lot is not striped. It's just kind of like just asphalt.

Ms. Gardner – Okay. We haven't really done too much to the outside yet, but definitely we are going to landscape it. We are going to power wash it. We are going to stripe it. So everything will be nice and clean and you'll be able to see the parking spots very clearly. And I believe I think I get with Jane about making sure all that is in the right colors and stuff like that – paint.

Ms. Pailes – Are you planning fencing along the perimeter between your parking lot and Briggs Street?

Ms. Gardner – Are you talking about on – Briggs Street – is that the back side of the building or on the ...

Ms. Pailes – It's on the north.

Ms. Gardner – On the north. I would have to ask Stephanie because that's something I would have to get approved by the owner first. It's not something that I could say yes or no to.

Ms. Pailes – Because it seems like fencing would – if somebody has to walk around a fence, they'll go ahead and park in your parking lot. If there's no fence, they'll park on Briggs and cut across. It seemed a way to manage the crowd a little better if there was a substantial perimeter fence between you and the residences. Would you be willing to ponder something like that?

Ms. Connors – They have a curb cut on Briggs – the curb cut into their parking lot is on Briggs.

Ms. Pailes – Is on Briggs?

Ms. Connors – Yes. Into their parking lot it is.

Ms. Pailes – Okay. I've always just come right off of ...

Ms. Connors – There is a curb cut on Briggs.

Ms. Pailes – Okay. Didn't know that.

Mr. Sherrer – Just a question to Director Connors. If we, within the special use category – with this request, do we have the ability to require the parking lot – I know you're doing it – but to be striped and then to determine the actual number to make sure that it matches what's required?

Ms. Connors – You can certainly put a condition that the parking lot must be striped. And we are going to need letters – I'm sorry we don't have the parking information. Do you have parking information? Let me see if she can answer that question.

Ms. Greenlee – On our parking, because it's going to be mostly a live entertainment with a bar use allowed, and that being attached to the special use, if we figure it as an amusement establishment – we don't have anything in our parking requirements that say live entertainment venue – so going off of that is 1 per 4 patrons capacity. So at approximately 270 is the capacity, you're going to require about 68 parking spaces. Here's the curb cut on Briggs Street. And then looking out here, this is all open, and I believe this is what you said that you have. What we would require for that to actually, when they come through for permitting anything that they're going to do – if they get a building permit and to be able to have the business, is require a cross-access parking agreement, so it's a separate legal instrument that would be filed of record with the County so in perpetuity with that – as long as that use continues and it would only be for Mrs. Gardner, and if it transferred they'd have to legally bind themselves to that as well – is have that cross-access parking agreement with those adjacent properties. So, basically, 68 parking places required for this establishment per the capacity.

Mr. Sherrer – Just to confirm, that can be tied in as a condition of the special use?

Ms. Greenlee – Correct.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Lewis – Historically, I think everyone knows on this Commission I have always been pro-business when it is in the right area of the City of Norman. Certainly I think a live event center – I frequent them often in Oklahoma City. The Blue Door will be one. They bring some very talented musical individuals into the city and it's a pleasure to go there. My concern is – and what I've raised from the beginning of this presentation is, if we approve or recommend this as a bar, lounge or tavern and the applicant has already stated that there is intent to keep it open until 2:00 a.m. and the resident that has lived there since the 1960s does indicate that noise does transfer out of the building – in my opinion, I feel like if I recommend this, I am creating a nuisance for the homeowners that are there. While I understand that an event center in the city would be a wonderful thing, I cannot cause an issue where one is not currently present. And so, therefore, I will not be supporting this applicant.

2. Mr. Knotts – When was the Blue Onion originally built? Do you know that?
Ms. Greenlee – 1965.
Mr. Knotts – I remember that. Sadly.

3. Ms. Pales – I probably saw you there. And, as I recall, the Blue Onion – and this would be different. I mean, it would be a different type of business. But there was very active police calls. There were a lot of police calls on it. And that's disruptive to a neighborhood. The thing that worries me most is if the parking access is off Briggs, then, yeah, everybody is going to park along Briggs because they're impatient. They drive up, they're right there. They hop out. And I mean it is – it's a real traffic hazard for small children in the evening. The building may be soundproof, but concerts in action sometimes leave the doors open – often. And noise leaks. I mean, I don't know if it's soundproof or not. But the area was pretty noisy. I hate to see an empty building. I'd love to see the building used. If there was no access off Briggs Street, if things were just a little different, I'd say yeah. But I don't quite think so.

4. Ms. Jourdan – I share your concerns about the neighborhood with this project and, yet, you know, I think that there is some value in the business and the kind of venue that it creates. But when I look at it, I was creating a list of conditions that I would want to have if I were a neighbor. And if I were the business owner, I think I would rather find a new location than deal with all the conditions that I've listed, you know, in terms of hours of operation, security, and decibel levels, and signage, and when liquor sales can occur, and screening – the list is very long. I think that we could probably come up with special use permit requirements that lessened the nuisance impact of this kind of business, but they would have to go pretty far to achieve that.

5. Mr. Knotts – So what can this building be used for without this approval?

Ms. Connors – Any permitted use currently in the C-2 zoning district. So restaurants, grocery stores, retail businesses of all kinds. Liquor sales is special use. Package liquor is permitted. Automobile sales, bus terminals, drive-in movie theaters, which don't happen anymore.

Mr. Knotts – Is there anything close to an event center that is allowable in C-2?

Ms. Connors – Well, amusement enterprises are allowed. So this could be used as an event center without liquor.

Ms. Jourdan – Could it have concerts as an amusement?

Ms. Connors – No, because we have live entertainment is specifically listed as a special use. So we would say not. Where there's an exception in the special use list, it couldn't be used for a concert.

Mr. Knotts – And this hearing is precipitated because they want to extend their use of it, or because something has expired?

Ms. Connors – Well, both those things. So in whatever years it was that we added these as special uses – bar, lounge or tavern – in the 90s, and then at some point in time the bar discontinued use in this building for more than two years. And, therefore, they lost their non-conformity and now they're coming forward and have to ask for it again. Have to ask for the special use, which in the 60s and 70s and 80s that was allowed as a permitted use.

6. Ms. Jourdan – Is there a buffer requirement for bars and taverns?
Ms. Connors – No, not specifically. No.

7. Mr. Sherrer – I would just echo some of the things that have already been said. Ms. Gardner, I applaud your entrepreneurship and your thoughts of trying to find an opportunity for this kind of business. I do think, like my fellow Commissioners, I'm not sure this is the right location – the right place – the right time to do a special use. But I do think that the business that you're offering, the kinds of things that you're doing, I think I would love to find the right place and certainly think that that would be something that I would encourage you to – depending upon what the future holds – that you would consider here within the city limits of Norman. I'll be voting against the special use tonight, but certainly want to applaud your spirit and desire to open this kind of business here.

Chris Lewis moved to recommend approval of Ordinance No. O-1516-33 to City Council. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Tom Knotts, Sandy Bahan, Dave Boeck
NAYES	Andy Sherrer, Roberta Pailes, Dawn Jourdan, Chris Lewis
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1516-33 to City Council, failed by a vote of 3-4.

* * *

Item No. 10, being:

O-1516-32 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 18 OF THE CITY CODE (SIGN CODE) TO DEFINE FEATHER FLAGS/BANNERS AND ALLOW THEM IN CERTAIN ZONING DISTRICTS IN THE CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Proposed Ordinance Language

PRESENTATION BY STAFF:

1. Wayne Stenis – This ordinance deals with feather flags, which are a type of wind sign. They are prohibited in our sign ordinance. There has been continued and more prolific use of these feather flags throughout the community. It has become an enforcement issue. So it came to the attention of the Council Business and Community Affairs Committee. They have requested a code amendment. They have reviewed it. We're bringing it forth to you to go through the process for public review and a recommendation. This ordinance would require permits, would allow and regulate the size, the spacing, the time period, and no illumination. They would allow them in almost all zones, except for low density residential zones. The number would also be regulated as to regards to the property and the number of tenants on the property. They would be regulated and allowed in lieu of either the regular temporaries that are allowed up to 60 days, or the temporaries that are an annual banner. Right now the annual banner is in lieu of the 60-day temporaries. This would be in lieu of either of those, so if you had the feather flags you couldn't have the others at the same time. I'd be glad to go through some of the details of the ordinance, or answer any questions.

2. Ms. Jourdan – I'm interested in two things. The first one is anchoring. It's very windy here in Oklahoma and I just wonder how you make these things safe so they're not blowing through the air. And then the second is maintenance. What kind of guidelines there are to make sure they're kept in good order and so forth?

Mr. Stenis – The sign code requires signs to be maintained in good order to be useful. There's also a statement regarding if they are torn or damaged, then they're supposed to be either removed or replaced with another one.

3. Mr. Lewis – I have two questions. One, I know that the definition is for feather flags or banners. My first question is, does this in any way, shape or form impede or impair – currently I know there is a business in Norman, Oklahoma that on game days puts out OU flags or on special event days puts out special event flags at businesses throughout our community. Does this in any way, shape or form impede that action by that business or restrict those flags being displayed?

Mr. Stenis – No, it does not impede those. Those are also regulated. They're exempt from a permit, but they do have to be on their own property and only during the special event.

Mr. Lewis – And, second, I do know that when we were speaking about our sign ordinance going forward, there were comments in regard to flying the American flag as an attraction for business. And my next question would be does this in any way, shape or form impede, restrict, redefine a business or an owner flying their flag at their business, whether it is for promotion purposes or whatever?

Mr. Stenis – No, this does not amend that portion of the code at all.

Ms. Connors – Just to address getting it in the ground – I wanted to address that. There is a statement that feather flags shall be secured in the ground. There was discussion at the City Council committee meeting about the fact that they need to be in the ground, so we will make sure that happens, because you can't use sandbags, for instance, to secure them. That was a discussion, so we will require that they be – that the shaft will be in the ground.

Mr. Boeck – And some kind of support system, like a pipe or something to make ...

Ms. Connors – Well, there's a definition. So they're defined to be on a metal pole.

Mr. Boeck – Well, I know you've got a metal pole, but that metal pole needs to sit in something. If you put it in the ground and it's blowing back and forth, it could come loose. Whereas if you had ...

Mr. Lewis – I know, Mr. Boeck, what I've seen and with the sign company that I spoke about that puts out the OU flags throughout our community, they actually drive a stake deep into the ground and then the flag actually sits over top of that. I'm sure that would probably comply.

Ms. Connors – Well, the other thing I would say is we have lots of these feather flags already illegally being displayed in our city and we haven't ever had an instance where one has blown away that I'm aware of, or damaged.

Mr. Boeck – I've never seen one blow away.

Mr. Stenis – The definition includes free-standing sign typically constructed with plastic or metal shaft driven into the ground.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend approval of Ordinance No. O-1516-32 to City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer, Roberta Pailles, Tom Knotts, Sandy Bahan, Dawn Jourdan, Dave Boeck, Chris Lewis
NAYES	None
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1516-32 to City Council, passed by a vote of 7-0.

* * *

Item No. 11, being:

MISCELLANEOUS COMMENTS

1. Ms. Connors distributed the Current Plat Activity maps through December 31, 2015.
2. Ms. Pailes – The inflated tube things that are used for advertisements – are those regulated in any way?
Ms. Connors – They are illegal. They're a wind sign and they're one of the wind signs that are illegal. We do not have Code Enforcement people that work on the weekend, and many businesses know that.

* * *

Item No. 12, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 8:17 p.m.



Norman Planning Commission